IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 11532 of 2002

Between:

Smt.A.Bhavani Kumari W/o.B.Brahmaiah
R/o.6-3-609/10-1/1,Anand Nagar Colony,

Khairatabad, Hyderabad

..... PETITIONER

AND

1.The Registrar (Administration), High Court of Andhra Pradesh
High Court Buildings Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari or any other order or direction more in the nature of certiorari and call for the records in the Proceedings R.O.C.No.5360/99/Estt-3, dt.30-8-2000 and Proceedings R.O.C.No. 5360/99/Estt-3, dt.29-11-2001 and set-aside the same and pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT.S.ADILAKSHMI (Not present)

Counsel for the Respondent: SMT.M.BHASKARA LAKSHMI

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

None for the petitioner. Even on the last date none appeared for the petitioner.

In this writ petition filed under Article 226 of the Constitution of India, the petitioner is questioning the proceedings dated 30.8.2000 and the proceedings dated 29.11.2001 and is praying that after setting aside the aforementioned proceedings, the petitioner be continued in service.

The petitioner was appointed as Junior Assistant in the registry of the High Court of Andhra Pradesh in the month of October, 1996 and was posted in the Accounts section. By proceedings dated 27.9.2000, departmental enquiry was initiated against her. On the basis of the statement made by one Mr.G.Mohan Reddy, the following charges were framed against the petitioner.

> Article 1: That you, Smt.A.Bhavani Kumari, Assistant working in V.R.Section have received a sum of Rs.5,000/- (Rupees Five Thousand Only) as illegal gratification from G.Mohan Reddy, resident of Saroornagar, Hyderabad by promising to provide employment to his son Sri G.Srinivasa Reddy in High Court and you demanded a sum of Rs.30,000/- (Rupees Thirty Thousand only) in all, for providing a job in High Court, which is a misconduct and a contravention of Rule 3 of A.P.Civil Services (Conduct) Rules. 1964 and punishable under the provisions of A.P. Civil Services (C.C & A) Rules, 1991.
>
> Article 2: That you have handed over to Sri G.Mohan Reddy, a Xerox copy of the order, dated 30.8.1999 purported to be the

> appointment order, appointing Sri G.Srinivasa Reddy as Record Assistant in the High Court Service knowing it to be a faked appointment order and with a view to receive illegal gratification from Sri G.Mohan Reddy which is a misconduct and contravention of Rule 3 of A.P. Civil Services (Conduct) Rules 1964 and punishable under the provisions of A.P. Civil Services (C.C & A) Rules, 1991."

Departmental enquiry was proceeded against her in accordance with the rules and due opportunity was afforded to the petitioner and she contested the charges in those departmental proceedings. On the basis of the two statements given by Sri Mohan Reddy on 6.9.1999 one before Sri MSK Prabhu, Deputy Registrar-cum-Drawing Officer and another in the presence of the Registrar (Administration), two charges framed against the petitioner were found to have been duly proved. A copy of the report of enquiry was served on the petitioner and she was called upon to submit her reply/explanation which was duly considered and the appointing authority having approved the enquiry report holding the petitioner guilty of two charges, imposed the punishment of dismissal from service. Feeling aggrieved, the petitioner preferred an appeal, which was rejected on 16.11.2001.

Challenging the said order, the petitioner filed the present writ petition stating that the evidence adduced is not sufficient to hold her guilty of the charges and that the fake order of appointment was never produced before the appointing authority and the recipient of the said letter of appointment never tried to derive any benefit out of it, which aspect was not considered by the respondent.

The entire basis of challenge before the Court is erroneous inasmuch as the High Court while hearing the writ petition does not sit as Court of appeal. It is only concerned with the decision making process in the departmental proceedings. In judicial review, what has to be seen is whether principles of natural justice are followed, due opportunity was afforded and whether there is some evidence in support of the charges framed against the delinquent. There is ample evidence against the petitioner of accepting amount as well as issuance of fake order of appointment. With such findings recorded in the departmental proceedings, there is hardly any ground to interfere while exercising jurisdiction under Article 226 of the Constitution of India.. There is no substance in the writ petition and the same shall accordingly stand dismissed. No costs.

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DEVINDER GUPTA, CJ

Dated 16.02.2005

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B.SESHASAYANA REDDY,J

msv

To

1.The Registrar (Administration) High Court of Andhra Pradesh,
High Court Buildings, Hyderabad

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